

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:12CR290 JCH
)	
JULIUS E. HAYDEN,)	
)	
Defendant(s).)	

ORDER

This matter is before the Court on Defendant Julius E. Hayden's Motion to Suppress Statements and Evidence (ECF No. 19). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Shirley P. Mensah, who held an evidentiary hearing on September 20, 2012. After allowing the parties to submit post-hearing briefs, Magistrate Judge Mensah filed a Report and Recommendation on October 19, 2012. (ECF No. 36). In this initial Report and Recommendation, Magistrate Judge Mensah recommended that the Court grant Defendant's motion.

On November 2, 2012, the Government filed a Motion for Reconsideration of Court's Report and Recommendation and Motion for Supplemental Hearing. (ECF No. 37). Magistrate Judge Mensah granted the Government's Motion for a Hearing to Supplement the Record, and held a second evidentiary hearing on November 13, 2012. (ECF No. 38). After again entertaining post-hearing submissions from the parties, Magistrate Judge Mensah issued a second Report and Recommendation on January 31, 2013, in which she recommends granting the Government's Motion for Reconsideration, vacating her initial Report and Recommendation, and denying Defendant's Motion to Suppress Statements and Evidence. (ECF No. 49).

After de novo review of the entire record in this matter, the Court adopts the recommendations contained in the Magistrate Judge's second Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the second Report and Recommendation of the United States Magistrate Judge (ECF No. 49) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that the Government's Motion for Reconsideration of Court's Report and Recommendation and Motion for Supplemental Hearing (ECF No. 37) is **GRANTED**.

IT IS FURTHER ORDERED that the initial Report and Recommendation of United States Magistrate Judge (ECF No. 36) is **VACATED**.

IT IS FURTHER ORDERED that Defendant Julius E. Hayden's Motion to Suppress Statements and Evidence (ECF No. 19) is **DENIED**.

Dated this 26th day of February, 2013.

/s/Jean C. Hamilton
UNITED STATES DISTRICT JUDGE